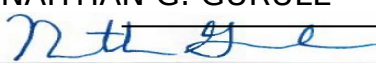
	LOS LUNAS POLICE DEPARTMENT		
	ADMINISTRATION	NUMBER: ADM.02.06	EFFECTIVE DATE: February 17, 2010
	SUBJECT: Immunity from Arrest		REVIEW DATE: March 17, 2014
	AMENDS/ SUPERSEDES:	NMSA:	
NMMLEPSC STANDARDS: ADM.02.06		APPROVED BY CHIEF OF POLICE NAITHAN G. GURULE  Signature	

I. IMMUNITY FROM ARREST

A. Legislative immunity

1. Members of the United States Congress are exempt from arrest when Congress is in session, or when they are en route to or from congressional business, except for traffic summonses. {Article I, Section 6, U.S. Constitution}
2. Members of the New Mexico Legislature are exempt from arrest during a legislative session except in cases of treason, a felony, or a breach of the peace. {Article IV Section 13, Constitution of New Mexico}

B. Diplomatic immunity:

1. Upon exhibiting proof of diplomatic immunity, persons shall be released upon being stopped for a misdemeanor traffic violation. If questions arise about this procedure, or if an arrest for a felony is necessary, call and advise the U.S. State Department Office of Security {202-673-3881, days, or 202-647-2412, nights and weekends}.
2. While a person claiming diplomatic immunity may present any number of identification papers, the only one that is indicative of the level of privilege

and immunity is a card issued by the U.S. State Department. The holder's level of immunity will be indicated on the card. If a person claiming immunity does not possess this card and the incident involves a criminal offense, officers may detain the person either at the scene or at the department long enough to verify official status.

3. When encountering a criminal suspect who claims diplomatic immunity, officers shall first take reasonable measures—including pat-downs or other legal searches—to ensure safety to the public or other officers. Verification of the diplomatic claim shall take place after a danger has been neutralized. A criminal investigation shall proceed as if no valid diplomatic immunity claim has been made. Interviews, interrogations, seizures of evidence, or issuance of warrants shall proceed per departmental procedure. In a criminal investigation, the chief shall remain in contact with the State Department.
4. Regardless of the claim of immunity, in any case where officers arrest or detain foreign nationals, the suspects shall be advised of their right to have their consular officials notified. In some cases, this notification is mandatory Note: the list of countries which require mandatory notification of consular officials in the event that one of their citizens has been arrested is extensive. The State Department shall be contacted for guidance.
5. Upon detaining any foreign national with diplomatic immunity, the State Department will be notified. This includes death of a minor or adult, or a foreign national who is incompetent, or a foreign national who required assistance.